

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:) Group Art Unit: 3751
BALL) Examiner: Robert M. Fetsuga
Serial No.: 10/732,726) Confirmation No.: 2017
Filed: December 10, 2003) Appeal No.: 2007-0769
Atty. File No.: 5564-152) SUPPLEMENTAL REPLY BRIEF
For: *"Method and Apparatus for*
Assembling and Sealing Bathtub
Overflow and Waste Water Ports") *Electronically Filed*

Mail Stop Appeal Brief- Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In a Reply Brief dated March 17, 2008, the undersigned indicated that the above-identified patent application enjoyed a priority date of June 13, 2000 as a result of its claim of priority pursuant to 35 U.S.C. §120, abandoned U.S. Patent Application Serial No. 09/593,724 (the “‘724 application”). The instant application is linked to the ‘724 application by way of U.S. Patent Application Serial No. 10/229,533 (the “‘533 application”), now U.S. Patent No. 6,675,406. That is, the ‘406 patent indicates that it is a continuation of the ‘724 application.

It has recently come to our attention upon review of an Examiner's Answer in a related Appeal of related U.S. Patent Application Serial No. 10/674,862 that perhaps the '533 application was filed subsequent to the expiration of the '724 patent application, thus calling in question the claim of priority indicated in the '406 patent. It is not admitted that this is indeed the case and we are conducting an investigation of this issue.

Application No. 10/732,726

If it is found that the claim of priority listed in the '406 patent was erroneous, we will take appropriate steps in this appeal.

If there are any questions regarding any of the foregoing, please do not hesitate to contact the undersigned.

Respectfully submitted,

SHERIDAN ROSS P.C.

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